

**REMARKS**

Claims 1-18 were examined and reported in the Office Action. Claims 1-18 are rejected. Claims 1, 7 and 13 are amended. Claims 1-18 remain.

Applicant requests reconsideration of the application in view of the following remarks.

**I. 35 U.S.C. §103(a)**

It is asserted in the Office Action that claims 1-18 are rejected under 35 U.S.C. §103(a), as being unpatentable over *Enhanced Host Controller Interface Specification for Universal Serial Bus* (Rev. 0.96) ("EHCI Spec") in view of U.S. Patent Publication 2002/0174255 by Hayter et al. ("Hayter"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” “*All words in a claim must be considered* in judging the patentability of that claim against the prior art.” (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

It is asserted that the EHCI Spec discloses there is over flow content for data packet transfer. EHCI Spec, however, does not teach, disclose or suggest Applicant's amended claims 1, 7 and 13 limitations of

at least one qTD operates to store overflow content in a first buffer of a plurality of buffers when execution of the contents of the first buffer is completed without a short packet condition when a size of the contents in the first buffer is greater than a storage capacity in a first bank of the plurality of banks.

Hayter discloses a packet processing system. Hayter, however, does not teach, disclose or suggest Applicant's amended claims 1, 7 and 13 limitations of

at least one qTD operates to store overflow content in a first buffer of a plurality of buffers when execution of the contents of the first buffer is completed without a short packet condition when a size of the contents in the first buffer is greater than a storage capacity in a first bank of the plurality of banks.

Therefore, even if EHCI Spec and Hyter were combined, the resulting invention would still not include all the limitations of Applicant's amended claims 1, 7 and 13.

Since neither EHCI Spec, Hayter, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claims 1, 7 and 13, as listed above, Applicant's amended claims 1, 7 and 13 are not obvious over EHCI Spec in view of Hayter since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from amended claims 1, 7 and 13, namely claims 3 and 6, 8, 10 and 12, and 14, 16 and 18, respectively, would also not be obvious over EHCI Spec in view of Hayter for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103 (a) rejections for claims 1-18 are respectfully requested.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely 1-18, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

**PETITION FOR EXTENSION OF TIME**

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on June 28, 2006, Applicant respectfully petitions the Commissioner for a one (1) month extension of time, extending the period for response to October 30, 2006 (October 28, 2006 being a Saturday). The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$120.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(1) large entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

**BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP**

Dated: October 30, 2006  
By: 

Steven Laut, Reg. No. 47,736

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on October 30, 2006.

  
Steven Laut